

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CLIFFORD JAMES BOLAND,

Plaintiff,  
v.

Case No. 24-cv-352-pp

DANIEL LAVOIE, *et al.*,

Defendants.

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**ORDER SCREENING AMENDED COMPLAINT (DKT. NO. 11) UNDER 28  
U.S.C. §1915A**

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On May 13, 2024, the court issued an order screening plaintiff Clifford James Boland's *pro se* complaint under 42 U.S.C. §1983 and allowing him to proceed on Eighth Amendment claims against two employees at Stanley Correctional Institution, where he is incarcerated. Dkt. No. 10. The same day, the court received from the plaintiff an amended complaint. Dkt. No. 11. Under Federal Rule of Civil Procedure 15, “[a] party may amend its pleading once as a matter of course” within twenty-one days of service or within twenty-one days after service of a responsive pleading. Fed. R. Civ. P. 15(a)(1). The plaintiff filed his amended complaint within this time frame, so the amendment is timely.

The amended complaint is not materially different from the original complaint. It names the same two defendants (Dr. Daniel LaVoie and Health Service Manager Jamie Barker), alleges the same facts about the inadequate treatment of the plaintiff's radiation cystitis and claims that LaVoie and Barker violated his Eighth Amendment rights by denying him proper treatment and

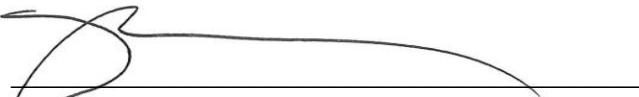
causing him “unnecessary pain and suffering.” Dkt. No. 11 at 2. The plaintiff maintains his request for \$50,000 in damages from each defendant and a court order directing the defendants to provide him “the necessary treatment.” Id.

For the same reasons explained in the previous order, the court finds that the amended complaint states Eighth Amendment claims against Dr. LaVoie and Barker for providing inadequate treatment of the plaintiff’s serious medical need. See Dkt. No. 10 at 6–8. The plaintiff may proceed on these claims. The amended complaint will be the operative complaint moving forward. The defendants are not required to file an answer to the original complaint; the court will order them to file a responsive pleading to the *amended* complaint within sixty days of this order.

Under an informal service agreement between the Wisconsin Department of Justice and the court, the court will electronically transmit a copy of the amended complaint (Dkt. No. 11) and this order to the Wisconsin Department of Justice for service on defendants Daniel LaVoie and Jamie Barker. Under the informal service agreement, the court **ORDERS** those defendants to respond to the *amended* complaint within 60 days.

Dated in Milwaukee, Wisconsin this 12th day of June, 2024.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**Chief United States District Judge**